S.B. CR.MISC.BAIL APPL.NO.7529/2007.

Shankar
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Manoj Avasthi for the petitioner.
Shri Ashvini Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that though the petitioner was not named in the FIR but has been named when the statement of the informant u/S.161 Cr.P.C. was recorded on 19/2/2007, two days after the lodgment of the FIR on 17/2/2007. He was for the first time named by the informant when his supplementary statement was recorded on 28/2/2007. He however named Ulfi @ Kamal Singh and Ashok in the first statement as one of the accused who had forcibly taken his tractor and again named them in the subsequent statement while the challan was filed against him, Ulfi @ Kamal Singh @ Kaledar but not against Ashok. Case of the petitioner is on better footing

than that of co-accused Ulfi @ Kamal Singh @ Kaledar, Mukesh @ Mukke and Lakhan who have already been enlarged on bail by the co-ordinate Bench of this Court vide orders dated 26/9/2007 and 16/4/2007, respectively. Petitioner was arrested on 9/3/2007 and since then he is in jail. There is no previous criminal ever registered against him and his further detention is no longer required for any purpose of investigation. Investigation is almost complete and trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he is not entitled to be enlarged on bail.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Shankar S/o Harcharan shall be released on bail in F.I.R. No.17/2007 P.S. Basaidang for offences under Sections 395 IPC and Section 11 of

the Rajasthan Dacoity Affected Area Act subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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